

Entered - 12/28/09 - sb
CL - 09L1045 - ANGELENA KELLY

10- R -0348

CLAIM OF: Eric Estroff
3653 Post Oak Tritt Road
Marietta, GA 30062

For damages alleged to have been sustained as a result of driving over a failed construction cut on December 6, 2009 at 2115 Monroe Drive.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Eric Estroff** the sum of **\$1,386.81** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of driving over a failed construction cut on December 6, 2009 at 2115 Monroe Drive as is more particularly set forth in the within claim; said sum taken from and charged to account **5051.170201.5750002.4310000**.

APPROVED: **ROGER BHANDARI**
ACTING CITY ATTORNEY

BY:

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 2/23/10

CHAIR: [Signature]

[Signature]
[Signature]
[Signature]
[Signature]

[Signature]

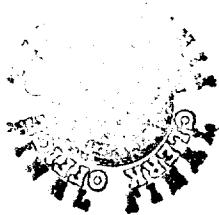
MAR 01 2010

MAR 01 2010

ADOPTED BY

MAR 01 2010

COUNCIL



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

10-R-0348

A RESOLUTION

**BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **Eric Estroff** the sum of **\$ 1,386.81** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character, for property damages alleged to have been sustained as a result of **driving over a failed construction cut on December 6, 2009 at 2115 Monroe Drive** as is more particularly set forth in the within claim; said sum taken from and charged to Account **5051/170201/5750002/4310000**.

A true copy,

Deputy Clerk

**ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed**

**MAR 01, 2010
MAR 09, 2010**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L1045

Date: January 29, 2010

Claimant /Victim: Eric Estroff

BY:(Atty)(Ins. Co.)

Address: 3653 Post Oak Tritt Road, Marietta, GA 30062

Subrogation: _____ Claim for Property damage: \$1,870.81 Bodily Injury \$ _____

Date of Notice: 12/16/09 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence: 12/6/09 Place: 2115 Monroe Drive

Department: Watershed Management Bureau: Drinking Water Office: _____

Employee involved: _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that his vehicle was damaged due to driving over a failed construction cut. The investigation determined that although the City had no actual notice of any problems, the condition of the failed cut indicates the condition had existed for a length of time that notice of same is implied.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures X Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement X

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - ANGELENA KELLY

RECOMMENDATION:

Pay \$ 1,386.81 Adverse _____ Account charged: General Fund _____ Water & Sewer X Aviation _____

Claims Manager:  Concur/date 02/10/10

Committee Action: _____ Council Action _____

RECEIVED
OFFICE OF
MUNICIPAL CLERK

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES

2009 DEC 16 PM 3:56 Today's Date: 12-16-09

ENTERED - 12-28-09 - SB
09L1045 - A. KELLY

*1 Kelly
12/28/09
[Signature]*

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 1870.81 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 12-6-09 2. Time of incident: 8:40 p 3. Police called: no
4. Location of incident (including street address): 2115 Monroe Drive, NE Atlanta
5. Name of your insurance company: USAA Policy No. 525 5527

6. State what and how incident occurred: While driving northbound on Monroe drive, I struck a pothole, causing a blow out of my rear right tire. I pulled to the side of the road, and had my car towed to United BMW. Further inspection revealed

that the rear trailing arm bushings were destroyed due to impact. Pictures + receipts attached.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: 2003 BMW M3 AZG 1467 Eric J. Estroff
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: N/A
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Friend met me @ tow truck. Jeffrey Bloom (404) 822-9817

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

[Signature]
Signature of Claimant

Eric J Estroff
(Print Claimant's Name)

3653 Post Oak Trl. Rd
(Address)

Marietta, GA 30062
(City, State and Zip Code)

(770) 235-7141 (678) 560-2056
(Work Number) (Home Number)

10- R -0348

RCS# 99
3/01/10
2:54 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 2
ABSENT 0

Y Smith	NV Archibong	Y Moore	E Bond
E Hall	Y Wan	NV Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

		03-01-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE ON CONSENT
1. 10-O-0275 2. 10-O-0276 3. 10-O-0277 4. 10-O-0278 5. 10-O-0279 6. 10-O-0289 7. 10-O-0290 8. 10-O-0291 9. 10-O-0292 10. 10-O-0293 11. 10-O-0294 12. 10-O-0296 13. 10-O-0241 14. 10-O-0307 15. 10-R-0334 16. 10-R-0335 17. 10-R-0390 19. 10-R-0395 20. 10-R-0407 21. 10-R-0411 22. 10-R-0394 23. 10-R-0396 24. 10-R-0338 25. 10-R-0339 26. 10-R-0340 27. 10-R-0341 28. 10-R-0342 29. 10-R-0343 30. 10-R-0344 31. 10-R-0345 32. 10-R-0346 33. 10-R-0347 34. 10-R-0348 35. 10-R-0349	36. 10-R-0350 37. 10-R-0351 38. 10-R-0352 39. 10-R-0353 40. 10-R-0354 41. 10-R-0355	42. 10-R-0356 43. 10-R-0357 44. 10-R-0358 45. 10-R-0359 46. 10-R-0360 47. 10-R-0361 48. 10-R-0362 49. 10-R-0363 50. 10-R-0364 51. 10-R-0365 52. 10-R-0366 53. 10-R-0367 54. 10-R-0368 55. 10-R-0369 56. 10-R-0370 57. 10-R-0371 58. 10-R-0372 59. 10-R-0373 60. 10-R-0374 61. 10-R-0375 62. 10-R-0376 63. 10-R-0377 64. 10-R-0378 65. 10-R-0379 66. 10-R-0380 67. 10-R-0381 68. 10-R-0382 69. 10-R-0383 70. 10-R-0384 71. 10-R-0385